

**JUDGE MARRERO****09 CV 5710**  
ADRMOP, CLOSED, E-Filing, TRANSF

**U.S. District Court  
California Northern District (Oakland)  
CIVIL DOCKET FOR CASE #: 4:08-cv-05591-SBA  
Internal Use Only**

Kavitz v. International Business Machines Corporation  
Assigned to: Hon. Sandra Brown Armstrong  
Cause: 28:1332 Diversity-Other Contract

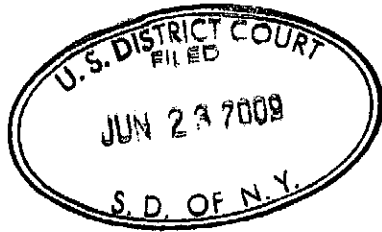
Date Filed: 12/16/2008  
Date Terminated: 06/02/2009  
Jury Demand: Plaintiff  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Diversity

S.D. OF N.Y.

JUN 23 AM 9:00

**Plaintiff****David A. Kavitz**

represented by **Alfred Dovbish**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**



V.

**Defendant**

**International Business Machines  
Corporation**

represented by **Mitchell F. Boomer**  
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415-394-9400  
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I hereby certify that the annexed  
instrument is a true and correct copy of  
the original on file in my office.

















ATTEST:










**RICHARD W. WIEGGS**  
Clerk, U.S. District Court  
Northern District of California

By   
Date **JUN 17 2009**

Date Filed	#	Docket Text
12/16/2008	<u>1</u>	COMPLAINT / issued summons against International Business Machines Corporation ( Filing fee \$ 350, receipt number 34611026578.). Filed by David A. Kavitz. (ga, COURT STAFF) (Filed on 12/16/2008) (Entered: 12/17/2008)
12/16/2008	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 3/19/2009. Case Management Conference set for 3/26/2009 10:00 AM.. Signed by Judge Maria-Elena James on 12/16/08. (Attachments: # <u>1</u> Standing Order)(ga, COURT STAFF) (Filed on 12/16/2008)

		(Entered: 12/17/2008)
12/16/2008		CASE DESIGNATED for Electronic Filing. (ga, COURT STAFF) (Filed on 12/16/2008) (Entered: 12/17/2008)
12/31/2008	 <u>3</u>	SUMMONS Returned Executed by David A. Kavitz. International Business Machines Corporation served on 12/29/2008, answer due 1/20/2009. (ga, COURT STAFF) (Filed on 12/31/2008) (Entered: 01/08/2009)
01/16/2009	 <u>4</u>	STIPULATION <i>To Extend Time to Respond to Complaint</i> by International Business Machines Corporation. (Young, Sarah) (Filed on 1/16/2009) (Entered: 01/16/2009)
01/30/2009	 <u>5</u>	<i>Defendant's Answer to Plaintiff's Complaint</i> ANSWER to Complaint by International Business Machines Corporation. (Boomer, Mitchell) (Filed on 1/30/2009) (Entered: 01/30/2009)
03/11/2009	 <u>6</u>	ADR Clerks Notice re: Non-Compliance with Court Order. (tjs, COURT STAFF) (Filed on 3/11/2009) (Entered: 03/11/2009)
03/17/2009	 <u>7</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Young, Sarah) (Filed on 3/17/2009) (Entered: 03/17/2009)
03/17/2009	 <u>8</u>	Declination to Proceed Before a U.S. Magistrate Judge by International Business Machines Corporation. (Young, Sarah) (Filed on 3/17/2009) (Entered: 03/17/2009)
03/19/2009	 <u>9</u>	Certificate of Interested Entities by International Business Machines Corporation (Young, Sarah) (Filed on 3/19/2009) (Entered: 03/19/2009)
03/19/2009	 <u>10</u>	JOINT CASE MANAGEMENT STATEMENT <i>and Proposed Order</i> filed by International Business Machines Corporation, David A. Kavitz. (Young, Sarah) (Filed on 3/19/2009) Modified on 5/5/2009 (jlm, COURT STAFF). (Entered: 03/19/2009)
03/23/2009	 <u>11</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (bjt, COURT STAFF) (Filed on 3/23/2009) (Entered: 03/23/2009)
03/25/2009	 <u>12</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Sandra Brown Armstrong for all further proceedings. Judge Magistrate Judge Maria-Elena James no longer assigned to the case. Signed by Executive Committee on 3/25/09. (mab, COURT STAFF) (Filed on 3/25/2009) (Entered: 03/25/2009)
03/25/2009		(Court only) ***Deadlines terminated. (jlm, COURT STAFF) (Filed on 3/25/2009) (Entered: 03/26/2009)
03/25/2009		(Court only) ***Deadlines terminated. (jlm, COURT STAFF) (Filed on 3/25/2009) (Entered: 03/26/2009)
04/03/2009	 <u>13</u>	CASE MANAGEMENT SCHEDULING ORDER FOR REASSIGNED CIVIL CASES: Case Management Conference set for 5/13/2009 03:00 PM. VIA TELEPHONE. Signed by Judge ARMSTRONG on 4/3/09. (lrc, COURT STAFF) (Filed on 4/3/2009) Modified on 4/6/2009 (jlm, COURT STAFF). (Entered: 04/03/2009)
04/07/2009	 <u>14</u>	MOTION to Transfer Case Venue, filed by International Business Machines Corporation. Motion Hearing set for 5/12/2009 1:00 PM in Courtroom 3, 3rd Floor, Oakland. (Young, Sarah) (Filed on 4/7/2009) Modified on 4/8/2009 (jlm, COURT STAFF). (Entered: 04/07/2009)
04/07/2009	 <u>15</u>	Request for Judicial Notice re <u>14 Motion to Transfer Case Venue</u> filed by International Business Machines Corporation. (Related document(s) <u>14</u> ) (Young, Sarah) (Filed on 4/7/2009) Modified on 4/8/2009 (jlm, COURT STAFF). (Entered: 04/07/2009)
04/07/2009	 <u>16</u>	Declaration of Hugh Flannery in Support of <u>14 Motion to Transfer Case Venue</u> , filed by International Business Machines Corporation. (Related document(s) <u>14</u> ) (Young, Sarah) (Filed on 4/7/2009) Modified on 4/8/2009 (jlm, COURT STAFF). (Entered: 04/07/2009)

04/07/2009	 <u>17</u>	Proposed Order re <u>14 Motion to Transfer Case Venue</u> filed by International Business Machines Corporation. (Young, Sarah) (Filed on 4/7/2009) Modified on 4/8/2009 (jlm, COURT STAFF). (Entered: 04/07/2009)
04/07/2009	 <u>18</u>	CERTIFICATE OF SERVICE by International Business Machines Corporation re <u>16 Declaration in Support</u> , <u>17 Proposed Order</u> , <u>14 Motion to Transfer Case Venue</u> <u>15</u> and <u>Request for Judicial Notice</u> (Young, Sarah) (Filed on 4/7/2009) Modified on 4/8/2009 (jlm, COURT STAFF). (Entered: 04/07/2009)
04/07/2009		Set/Reset Deadlines as to <u>14 Motion to Transfer Case Venue</u> . Motion Hearing set for 5/12/2009 01:00 PM in Courtroom 3, 3rd Floor, Oakland. (jlm, COURT STAFF) (Filed on 4/7/2009) (Entered: 04/08/2009)
04/08/2009	 <u>19</u>	CLERKS NOTICE Continuing Motion Hearing to 5/19/2009 at 01:00 PM in Courtroom 3, 3rd Floor, Oakland. (lrc, COURT STAFF) (Filed on 4/8/2009) Modified on 4/9/2009 (jlm, COURT STAFF). (Entered: 04/08/2009)
04/21/2009	 <u>20</u>	MOTION for Exclusion from Electronic Filing filed by David A. Kavitz. (jlm, COURT STAFF) (Filed on 4/21/2009) (Entered: 04/21/2009)
04/21/2009	 <u>21</u>	Memorandum in Opposition re <u>14 Motion to Transfer Case Venue</u> filed by David A. Kavitz. (jlm, COURT STAFF) (Filed on 4/21/2009) (Entered: 04/21/2009)
04/21/2009	 <u>22</u>	DECLARATION of David A. Kravitz in Opposition to <u>14 Motion to Transfer Case Venue</u> filed by David A. Kavitz. (Related document(s) <u>14</u> ) (jlm, COURT STAFF) (Filed on 4/21/2009) (Entered: 04/22/2009)
05/01/2009	 <u>23</u>	ORDER by Judge Sandra Brown Armstrong, GRANTING <u>20 Motion to be Excused From Electronic Case Filing</u> (lrc, COURT STAFF) (Filed on 5/1/2009) Modified on 5/5/2009 (jlm, COURT STAFF). (Entered: 05/01/2009)
05/01/2009	 <u>24</u>	CASE MANAGEMENT STATEMENT and Proposed Order, filed by International Business Machines Corporation. (Young, Sarah) (Filed on 5/1/2009) Modified on 5/5/2009 (jlm, COURT STAFF). (Entered: 05/01/2009)
05/01/2009	 <u>25</u>	CERTIFICATE OF SERVICE by International Business Machines Corporation re <u>24 Case Management Statement and Proposed Order</u> (Young, Sarah) (Filed on 5/1/2009) Modified on 5/5/2009 (jlm, COURT STAFF). (Entered: 05/01/2009)
05/05/2009	 <u>26</u>	Reply to Opposition <u>14 Motion to Transfer Case Venue</u> filed by International Business Machines Corporation. (Young, Sarah) (Filed on 5/5/2009) Modified on 5/6/2009 (jlm, COURT STAFF). (Entered: 05/05/2009)
05/05/2009	 <u>27</u>	CERTIFICATE OF SERVICE by International Business Machines Corporation re <u>26 Reply to Opposition</u> (Young, Sarah) (Filed on 5/5/2009) Modified on 5/6/2009 (jlm, COURT STAFF). (Entered: 05/05/2009)
05/13/2009	 <u>28</u>	Revised Proposed Order re <u>14 Motion to Transfer Case</u> , filed by International Business Machines Corporation. (Boomer, Mitchell) (Filed on 5/13/2009) Modified on 5/14/2009 (jlm, COURT STAFF). (Entered: 05/13/2009)
05/13/2009	 <u>29</u>	CERTIFICATE OF SERVICE by International Business Machines Corporation re <u>28 Revised Proposed Order</u> (Boomer, Mitchell) (Filed on 5/13/2009) Modified on 5/14/2009 (jlm, COURT STAFF). (Entered: 05/13/2009)
05/13/2009		(Court only) ***Deadlines terminated. (jlm, COURT STAFF) (Filed on 5/13/2009) (Entered: 05/14/2009)
05/13/2009	 <u>34</u>	Minute Entry: Initial Case Management Conference held on 5/13/2009 before Judge Sandra Brown Armstrong (Date Filed: 5/13/2009). (Court Reporter: Not Reported) (lrc, COURT STAFF) (Date Filed: 5/13/2009) Modified on 5/26/2009 (jlm, COURT STAFF). (Entered: 05/22/2009)

05/19/2009		(Court only) ***Deadlines terminated. (jlm, COURT STAFF) (Filed on 5/19/2009) (Entered: 05/22/2009)
05/21/2009	 <u>30</u>	RESPONSE to <i>Plaintiff's Supplement to Opposition to Motion to Transfer Venue</i> filed by International Business Machines Corporation. (Boomer, Mitchell) (Filed on 5/21/2009) Modified on 5/22/2009 (jlm, COURT STAFF). (Entered: 05/21/2009)
05/21/2009	 <u>31</u>	Declaration of S. Christine Young in Support of <u>30</u> <i>Defendant's Response to Plaintiff's Supplement to Opposition to Motion to Transfer Venue</i> filed by International Business Machines Corporation. (Related document(s) <u>30</u> ) (Boomer, Mitchell) (Filed on 5/21/2009) Modified on 5/22/2009 (jlm, COURT STAFF). (Entered: 05/21/2009)
05/21/2009	 <u>32</u>	Proposed Order re <u>14</u> <i>Motion to Transfer Case Venue</i> filed by International Business Machines Corporation. (Boomer, Mitchell) (Filed on 5/21/2009) Modified on 5/22/2009 (jlm, COURT STAFF). (Entered: 05/21/2009)
05/21/2009	 <u>33</u>	CERTIFICATE OF SERVICE by International Business Machines Corporation re <u>32</u> Proposed Order, <u>30</u> Response in Support, <u>31</u> Declaration in Support, (Boomer, Mitchell) (Filed on 5/21/2009) (Entered: 05/21/2009)
05/21/2009	 <u>35</u>	Supplemental Memorandum in Opposition re <u>14</u> <i>Motion to Transfer Case Venue</i> filed by David A. Kavitz. (Attachments: # <u>1</u> Proposed Order)(jlm, COURT STAFF) (Filed on 5/21/2009) (Entered: 05/28/2009)
05/21/2009	 <u>36</u>	***ERRONEOUS ENTRY, PLEASE IGNORE***  (jlm, COURT STAFF) (Filed on 5/21/2009) Modified on 5/28/2009 (jlm, COURT STAFF). (Entered: 05/28/2009)
06/02/2009	 <u>37</u>	ORDER TRANSFERRING CASE to U.S. District Court, Southern District of New York. Signed by Judge Sandra Brown Armstrong, on 6/1/09. (lrc, COURT STAFF) (Filed on 6/2/2009) Modified on 6/3/2009 (jlm, COURT STAFF). (Entered: 06/02/2009)
06/17/2009	 <u>38</u>	CLERK'S NOTICE re transmission of certified copy of Transfer Order, certified copy of docket entries and electronic case file documents to USDC for the Southern District of New York. Counsel notified (jlm, COURT STAFF) (Filed on 6/17/2009) (Entered: 06/17/2009)